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MEMO ENDORSED

September 12, 2007

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Judge Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Andrette Henvill v. Greyhound Lines, Inc., James D. McMillan, Short Lines Bus
Tours, Inc., a/k/s SL Bus Touss, Inc., and Mark Sucky,
Docket No.: 07 CV 5803 (CM)
Our File No.: GRH 0683N7 BJD

Dear Judge McMahon:

As you are aware, a Stipulation of Discontinuance in the above referenced matter was executed by both counsel and forwarded to the Court yesterday. I have been advised this morning by Mr. O'Neill of the Court that your Honor would not sign the Stipulation in the form proposed and that your Honor wanted to strike the following language: "In the event that plaintiff ever seeks to increase the ad damnum to a figure in excess of \$74,999.00, the defendants shall have the right to remove this case back to the Federal District Court for the Southern District. Plaintiff hereby consents to such removal if any increase in the ad damnum is ever sought." Under these circumstances, I cannot consent to a voluntary dismissal on behalf of my clients Greyhound Lines, Inc., and James D. McMillan.

As I advised Mr. O'Neill earlier today, I would cite to the case "Quinones v. National Amusements, Inc., slip copy, 2007 WL 1522621 S.D.N.Y. May 21, 2007 (07CIV,663 MHD) for the proposition that "when a case has been removed on the basis of diversity jurisdiction, events subsequent to removal which reduce the amount recoverable, whether beyond the plaintiff's control or the result of his volition, do not oust the District Courts jurisdiction once it has attached."

9/13/07
Unless the parties agree to a
dismissal without prejudice, the
matter stays here and I expect the
parties to proceed per the order
9/10/07 - Colleen McMahon usds

Re: Andrette Henvill v. Greyhound Lines, Inc., James D. McMillan, Short Lines Bus Tours, Inc., a/k/si Bus Touss, Inc., and Mark Sucky,
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Page 2

Based upon the foregoing, I would ask the Court to retain jurisdiction in this matter.

Respectfully submitted,

~~BRIAN J. DONNELLY
(646) 536-5783~~

BJD/CL

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